

COURT  
KAS

FEB 22 1966

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy

Respondent.

## ORDER

The Fifth Circuit originally dismissed the appeal in this case. Thereafter, it granted petitioner's petition for rehearing and remanded the appeal to this court to determine pursuant to Fed. R. App. P. 4(c)(1) whether the notice of appeal was timely filed on or before February 28, 2005. *See Freeman v. Dretke*, No. 05-10436 (5th Cir. Dec. 2, 2005) (per curiam) (order). The court referred the matter to United States Magistrate Judge Wm. F. Sanderson, Jr. to enter a recommendation concerning whether the notice of appeal was timely filed. Having reviewed *de novo* the magistrate judge's findings, conclusions, and recommendation, the court finds that petitioner's notice of appeal was timely filed.

The court directs the clerk of court to transmit a copy of this order to the clerk of the Fifth Circuit.

**SO ORDERED.**

February 22, 2006.

*Sidney A. Fitzwater*  
SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE